

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, et al.

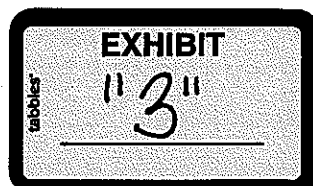
DEFENDANTS

PLAINTIFFS' FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Federal Rule of Civil Procedure 34, Plaintiffs request that Defendants produce the requested documents within 30 days at the offices of Plaintiffs' counsel, Bradley Arant Rose & White, LLP, 188 East Capital Street, Suite 450, Jackson, MS 39201.

DEFINITIONS

1. Mississippi Department of Human Services ("DHS") means all Divisions of the Department of Human Services, including all regional and county offices of the Division of Family and Children's Services ("DFCS"), as well as all present and former agents, staff, employees, attorneys, accountants, contractors, consultants and representatives of any kind.
2. The "Governor's Office" means both current and past Governors and staff, as well as all present and former agents, staff, employees, attorneys, accountants, contractors, consultants and representatives of any kind.
3. The term "document" is to be construed in its broadest sense and shall include, in addition to the meanings set forth in Rule 34(a) of the Federal Rules of Civil Procedure, all memoranda, records, materials and information (including without limitation pencil jottings, diary entries, desk calendar entries, reported recollections and any other form of



notation of events or intentions) concerning oral communications or meetings, and all materials and information in electronic form (including electronic mail (e-mail)). A draft or non-identical copy is a separate document within the meaning of this term and must be produced.

4. The term "concerning" means related to, referring to, discussing, summarizing, reflecting, showing, alluding to, regarding, in respect of, commenting on, mentioning, containing, recording, comprising, describing, evidencing, constituting or in any other way material or relevant.
5. The term "foster children" means all children who are alleged or adjudicated abandoned, abused or neglected who are in the legal and/or physical custody of DHS.
6. "And" and "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of the Request all documents that might otherwise be construed outside the scope.

INSTRUCTIONS

1. Each Defendant shall separately produce responsive documents in their possession, custody or control.
2. Each document requested is to be produced in its original file folder, file jacket or cover (or Defendants may, in the alternative, designate in writing the titles of such folder, jacket or cover with respect to each such document) and the agency, department, government unit, and individual from whose files the document is being produced are to be indicated. If there are no documents responsive to any particular request, Defendants shall so state in writing.

3. If Defendants refuse to produce any requested document, or part of any requested document, under a claim of attorney-client privilege, work product, or any other privilege, Defendants shall submit, for each document, or part of a document, withheld, a written statement justifying the claim of privilege.
4. If Defendants redact part of any requested document under a claim of attorney-client privilege, work product, or any other privilege, Defendants shall clearly indicate each redaction and submit, for each redaction, a written statement justifying the claim of privilege.
5. This is a continuing request. Any document obtained, identified or located after the date of production that would have been produced had it been available or had its existence been known at that time should be produced immediately, including updates to the records described in this document request.
6. Documents attached to other documents or materials shall not be separated unless sufficient records are kept to permit reconstruction of the grouping or context in which the document is maintained in the ordinary course of your business.
7. If any document which Defendants would have produced in response to any request was, but is no longer in Defendants' present possession or subject to their control, or is no longer in existence, please state whether any such document is: (1) missing or lost; (2) destroyed; (3) transferred to others; or (4) otherwise disposed of. In any such instance set forth the surrounding circumstances and any authorization for such disposition and state the approximate date of any such disposition, and, if known, state the present location and custodian of such document.
8. Unless otherwise provided, these Requests concern the period from January 1, 2002 to

the present.

REQUESTS FOR PRODUCTION OF DOCUMENTS

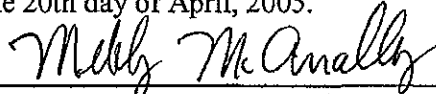
1. All documents in the possession of the Governor's Office concerning DHS's and DFCS's ability to protect children and meet its mandated functions, including but not limited to briefings, meeting minutes, memos, complaints, letters, email and other communications.
2. A current organizational chart for the Governor's Office.
3. All current DFCS operations/administrative procedures manuals.
4. All documents concerning the case review instruments developed for the Quality Improvement program case record reviews beginning in January 2003 and quarterly thereafter, as discussed at DHS 017265, 017279 and 017322.
5. All foster and adoptive parent recruitment documents from 2004 through the present, including but not limited to any transcripts, audio, and video files of recruitment ads prepared for public broadcast.
6. Any memos, directives and policies concerning the entry of information in the Mississippi Automated Child Welfare Information System (MACWIS).
7. All DHS/DFCS Requests For Proposals (RFPs) to provide services that include services to Foster Children.
8. Any "Time Study," such as that referred to at DHS 017267.
9. The provider and licensing files for all foster homes, therapeutic foster homes, group homes, shelters, treatment centers, and any other home, institution or agency caring for foster children.

10. Any documents maintained outside of the provider and licensing files concerning (a) complaints, inspections, and investigations related to foster homes, therapeutic foster homes, group homes, shelters, treatment centers, and any other home, institution or agency caring for foster children, and (2) any state actions taken against foster homes, therapeutic foster homes, group homes, shelters, treatment centers, and any other home, institution or agency caring for foster children, as a result of licensing violations, safety considerations, or otherwise.
11. All documents in the possession of the DHS Division of Program Integrity that concern complaints, allegations, reports, investigations and any related actions regarding the failure of DFCS staff to protect foster children.
12. All personnel file documents that reflect DFCS staff failures to abide by agency requirements, including but not limited to reprimands, suspensions, demotions, and terminations.
13. The personnel files of all DFCS staff who have been involved in the cases of Named Plaintiffs Olivia Y., Jamison J., John A., Cody B., and Mary, Tom, Matthew and Dana W., including but not limited to the following DFCS staff:
 - (a) Olivia Y.: Wanda Gillom, Deputy Director; Mickel Hodges, Division of Program Integrity; Mechille Henry, Acting Regional Director; Eva Beck, Licensure Specialist; Susanne Brown, Social Worker; Rosie Cox, homemaker; Jean Fertitta, Area Wide Social Work Supervisor; Nicole Holloman, volunteer; Ramona Lockett, Area Wide Foster Care Supervisor; Jennifer McLaurin, Social Worker; Joy Moran, case worker; Jessie Richardson, Homemaker; Berdia Smith, Social Worker; Debra Stewart, Area Wide Social Work Supervisor; Marie Turnage, Social Worker.
 - (b) Jamison J.: Queen Coleman, Social Worker Supervisor; Tracey Mohdzain, Caseworker; Martha McDaniel, Regional Director.
 - (c) John A.: Mechille Henry, Acting Regional Director; Sherita Bovastro; Josie Brown, Social Worker; Rosie Cox, Social Worker Aide; Deanne Cunningham, Social Worker; Beejee Dickson, Area Wide Social Work Supervisor; Jean Fretitta, Area Wide Social Work Supervisor; Cindy Haslauer, Social Worker;

Pamela Knight, Area Wide Social Work Supervisor; Ramona Lockett, Area Wide Social Work Supervisor; Terra McCarthy, Social Worker; Betty Rayner, Social Worker; Jessie Richardson, Homemaker; Barry Robertson, Social Worker; Sharron Robinson, Social Worker; Berdia Smith, Social Worker; Vicki Stephenson, Social Worker; Deborah Stewart, Social Worker; Tabathas Cox, Social Worker; Carrie Monsow, Social Worker.

- (d) Cody B: Zadio Rogers, Regional Director; Gwen Beks, Social Worker; Sharon Carter, Homemaker; Mathew Lewis, Area Wide Social Work Supervisor; Yutaska Simpson, Social Worker; Gloria Richardson, Social Worker.
- (e) Mary, Tom, Matthew and Dana W: Sue Perry, Director; Wanda Gillom, Deputy Director; Terry Varnardo, Foster Home Licensure Unit; Ronda Aldridge, Social Worker; Lynette Fleming, Social Worker; Jeanie Hall, Social Worker; Maggie Mixon, Social Worker; Caroline Roberson, Area Social Work Supervisor; Patricia Seals, Social Worker; Lacey O'Quinn, Social Worker; Rhonda Polk, Foster Care Licensure Specialist; Vanie White-Sturgis, Adoption Unit Resource Exchange Coordinator.

Respectfully submitted, this the 20th day of April, 2005.



W. Wayne Drinkwater, Jr. (MBN 6193)
Melody McAnally (MBN 101236)
BRADLEY ARANT ROSE & WHITE LLP
188 East Capital Street, Suite 450
Jackson, MS 39201
Telephone: (601) 948-8000
Facsimile: (601) 948-3000

Stephen H. Leech (MBN 1173)
850 East River Place, Suite 300
Jackson, MS 39202
(601) 355-4013

Marcia Robinson Lowry (MBN 43991 *pro hac vice*)
Eric E. Thompson (MBN 43993 *pro hac vice*)
Corene Kendrick (MBN 43989 *pro hac vice*)
CHILDREN'S RIGHTS
404 Park Avenue South, 11th Floor
New York, NY 10016
(212) 683-2210

John Lang (MBN 43987 *pro hac vice*)
Christian Carbone (MBN 43986 *pro hac vice*)
Eric Manne (MBN 43988 *pro hac vice*)
LOEB & LOEB LLP

345 Park Ave.
New York, NY 10154
(212) 407-4000

PLAINTIFFS' COUNSEL

I, the undersigned attorney, do hereby certify that I have served by U.S. mail a true and correct copy of the above and foregoing document to:

<p>Betty A. Mallett, Esq. McGlinchey Stafford, PLLC 200 South Lamar Street, Suite 1100 Jackson, MS 39201</p> <p>Harold E. Pizzetta, III, Esq. Assistant Attorney General General Civil Division Carroll Gartin Justice Building 430 High Street Jackson, MS 39201</p> <p><i>Attorneys for Defendants</i></p>	
--	--

This, the 20th day of April, 2005.


Melody McAnally